



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 103233A
1:18-cv-1129
28 June 2019

RAMYA KRISHNAN
KNIGHT FIRST AMENDMENT INSTITUTE
COLUMBIA UNIVERSITY
1140 AMSTERDAM AVE
206 KENT HALL
NEW YORK NY 10027

Dear Ms. Krishnan:

This is a final response to your Freedom of Information Act (FOIA) request of 13 December 2017, which was received by this office on 19 December 2017, for the following:

1. all non-disclosure agreements and other agreements, including templates or standard forms of such agreements, imposing prepublication-review obligations on agency and/or former agency employees;
2. all documents relating to administrative appeals filed from prepublication review determinations, including but not limited to:
 - a. administrative appeals;
 - b. any correspondence or back-and-forth between an agency and an individual who filed an administrative appeal; and
 - c. final decisions with respect to administrative appeals;
3. all documents relating to any form of sanction imposed, or considered for imposition, on agency and/or former agency employees for failure to comply with their prepublication-review obligations.

A copy of your request is enclosed. Your request has been processed under the FOIA and some of the documents you requested are enclosed. Certain information, however, has been deleted from the enclosures and 44 documents (227 pages) have been withheld in their entirety.

Some of the withheld information has been found to be currently and properly classified in accordance with Executive Order 13526. The information meets the criteria for classification as set forth in Subparagraph (c) of Section 1.4 and remains classified TOP SECRET, SECRET and CONFIDENTIAL as provided in Section 1.2 of Executive Order 13526. The information is classified because its disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Because the information is currently and properly classified, it is exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552(b)(1)).

This Agency is authorized by various statutes to protect certain information concerning its activities. We have determined that such information exists in these documents. Accordingly, those portions are exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 3024(i); and Section 6, Public Law 86-36 (50 U.S. Code 3605).

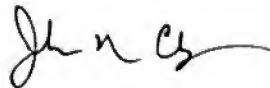
In addition, some of the information has been deleted from the enclosures pursuant to the fifth exemption of the FOIA. This exemption applies to inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency, protecting information that is normally privileged in the civil discovery context, such as information that is part of a predecisional deliberative process or attorney-client privileged information and attorney-client work product.

Finally, personal information regarding an individual has been deleted from the enclosures in accordance with 5 U.S.C. 552 (b)(6). This exemption protects from disclosure information that would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

The CIA has asked that we protect information pursuant to (b)(3) and (b)(6). Exemption (b)(3) pertains to Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507, noted as exemption "(b)(3)CIAAct" on the enclosed documents.

The NRO has also asked that we protect information pursuant to (b)(3) 10 U.S.C. § 424. Those deletions have been marked with the code OGA (Other Government Agency).

Sincerely,



JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority

Encls:
a/s

JUN 2011

[redacted]
From: David Rosenberg [redacted]
Sent: Wednesday, June 01, 2011 8:07 AM
To: [redacted]
Subject: RE: Blacked Out Portions in Manuscript

[redacted]
They will be blacked out as displayed in the final draft you reviewed (with solid black across the words). Similar black out style was used, actually overused, in Valerie Plame's book 'Fair Game'. I thought the way the black out would appear was readily apparent in the final draft and in some of my comments found in my spreadsheet responses (that I will black out certain portions).

(b) (6)

(b) (3) - P.L. 86-36

Let me know if you have any other questions.

Kind regards,

David

From: [redacted] [mailto:[redacted]]
Sent: Wednesday, 1 June 2011, 3:15 AM
To: David Rosenberg
Cc: [redacted]
Subject: Blacked Out Portions in Manuscript

David,

Sorry to bother you again but I was asked a question that I did not know the answer to. The question was, are any of the redactions in your manuscript going to appear in the final printed version as blacked out or have they been totally removed? Thank you very much and have a great day!

[redacted]
[redacted]

Approved for Release by NSA on 06-28-2019, FOIA Case # 103233 (Litigation)

(b) (3) - P.L. 86-36

[redacted]
From: Grein, Kristina M
Sent: Friday, May 06, 2011 7:23 AM
To: [redacted]
Cc: [redacted] (NSA-CIV)
Subject: FW: Final draft
Attachments: NARROWING THE GAP - Final_5May2011.doc; Narrowing The Gap - Final_5 May2011.xls

[redacted]
Here is Mr. Rosenberg's "final" manuscript. Please work with [redacted] to ensure it gets to the high side; she may have it scanned into ADMS.

Kris

Kris Grein
Chief, NSA/CSS Declassification Services

For Immediate Attention, please send your email to:

[redacted]
[redacted]

From: David Rosenberg [mailto:[redacted]]
Sent: Thursday, May 05, 2011 11:54 AM
To: Grein, Kristina M
Subject: Final draft

(b) (6)

Hi Kris

Please find attached my final draft with your required changes. Please use the attached spreadsheet to easily locate them (in yellow highlight in the draft). The text is the same except for the changes you specified in the spreadsheet.

Please advise as quickly as possible that the changes were made as requested (one change was not blacked out in the pdf file as expected, but I believe I made this change correctly (see the spreadsheet comment)).

As the pdf file was not password protected, I assume the manuscript is now unclassified, except for the one item mentioned above.

I will deal with the 'This thing is huge...' story a bit later.

Can you please acknowledge when you receive this?

Kind regards,

David

(b) (3) - P.L. 86-36

[REDACTED]

From: David Rosenberg [REDACTED]
Sent: Friday, February 11, 2011 4:55 PM
To: Grein, Kristina M
Cc: [REDACTED]
Subject: RE: PP-10-0004, Your Final Submission

Kris,

Thank you for the feedback and acknowledgment that you are working to complete the review by 21 February. Please know that the changes I made were, in my best belief, in accordance with the Chief of Staff's guidance. Please let me know where I may have not fully complied with this, as this would have been inadvertent. Any supplemental information I included/changed was minimal, and in my best belief also in agreeance with the Chief of Staff's guidance. I will immediately address your concerns when I receive your guidance.

Also, can I please have the redacted version (with suggested wording changes if advised) of the "This Thing Is Huge" section this week (before Friday) so I can change it and resubmit for approval? At least that part is only two pages! I can return it to you for final approval on the day I receive it. I am still not sure of where the ends of the redacted portion of this story - please identify this to me. (Please expedite this due to the very short publication timeframe.)

I wish to keep your office informed of any developments and will let you know of any relevant information leading to publication. My publisher is likely to issue their first press release about the book this week. I have asked them only to identify me as a former United States government employee and not to use my name or identify the Agency.

Thank you again for your feedback.

Kind regards,

David

From: Grein, Kristina M [REDACTED]
Sent: Saturday, 12 February 2011 7:06 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: PP-10-0004, Your Final Submission
Importance: High

Mr. Rosenberg:

This email is in response to your emails dated Feb 1st and Feb 9th. Please be assured we are working expeditiously in an effort to respond to you in a timely manner. Thank you for your efforts and your patience during this process.

We are conducting a line-by-line review of your final manuscript based on the determinations set forth in the Appeal Authority's decision which granted your appeal in part and denied it in part. From this review, we have noticed that some of the Appeal Authority's determinations were not fully incorporated into the final manuscript, and the manuscript contains information that was not previously reviewed by us. Accordingly, our review may involve determinations that certain information in your final manuscript must be withheld from release to the public because it is a currently and properly classified matter and/or protected from release by statute, or alternatively, that this information must be rewritten so that classified and/or protected information is not disclosed.

Although we appreciate your request for this agency to provide you with a cryptologic puzzle for inclusion in your book, we must inform you that we cannot provide such a puzzle as this would give the appearance that the Agency has endorsed this book or otherwise acknowledged/confirmed the veracity of the contents of your book. This agency does not comment on media stories, publications, etc. that have not been released through official channels.

Likewise, we cannot rewrite "This Thing Is Huge" section without ultimately endorsing your book or acknowledging the accuracy of its contents. We will, however, provide redactions of information that is classified and/or protected from release by statute in this section, and thus guide you in the areas/categories of information that cannot be publicly disseminated. As practicable, we may offer alternative language for your consideration if a sentence/phrase can be written at an unclassified level with minor edits/tweaks.

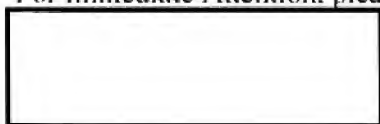
Regarding your request to include on the photo credit a caption that reads "Lt Gen Michael Hayden presenting my promotion certificate to Grade 14, July 2004," we have no objection to this caption with the photo.

Our goal is to complete our review of your manuscript and provide you with our determinations by February 21, 2011, but we cannot guarantee that our review will be completed by that date. We appreciate all of your efforts to adhere to your lifelong obligation to safeguard classified and/or protected information, while availing yourself of opportunities to publish, all of which is feasible. We will be in touch with you next week. Have a nice weekend.

Regards,

Kris Grein
Chief, NSA/CSS Declassification Services

For Immediate Attention, please send your email to:



(b) (3) - P.L. 86-36

(b) (3) - P.L. 86-36

[redacted]
From: Grein, Kristina M
Sent: Thursday, March 03, 2011 7:32 AM
To: [redacted]
Subject: FW: Deadline

[redacted]
Kris

Kris Grein
Chief, NSA/CSS Declassification Services

(b) (3) - P.L. 86-36
(b) (5)

For Immediate Attention, please send your email to:

[redacted]
From: David Rosenberg [mailto:[redacted]]
Sent: Thursday, March 03, 2011 7:16 AM
To: Grein, Kristina M
Cc: [redacted]
Subject: RE: Deadline

(b) (6)

Hi Kris

Thank you for the feedback, although I am surprised the PRB has not completed the review yet. As you know, the entire text of my book can be read in one full day. In addition, at most, only 2% of the book (1200 words) has been modified since your last review – almost all of that has been to comply with the Chief of Staff's guidance. I believe anything else I added was already incorporated into this guidance and would not be objectionable (is a capability that had already been stated elsewhere in the book – if the PRB has already approved a particular topic, repeating it in a similar context should not cause problems).

As this is the third time the PRB has reviewed the manuscript, you are already very familiar with what has been approved for publication and I find it hard to believe that it has again taken over 30 working days to cite any objections (I asked Australia Post to provide me the delivery date when I did not receive an e-mail from your office confirming delivery – they stated it was signed for on 14 January 2011).

Yes – we are on the same page with security and we always have been. I simply wish to let you know my reasons why these repeated delays have been very frustrating for me, especially as I am under contract to deliver the manuscript. I have waited an exceeding long time between submissions and ask you to please, at this time, finalise your review or send me an e-mail with whatever objections you have (today please)

so I can change those sections before I submit the manuscript. If your office has completed the review, I do not expect any other PRB to add more objections, so please e-mail me your list of objections today that you previously told me about so I can make the manuscript unclassified. I wish to do this, but need your cooperation.

(b) (3) - P.L. 86-36

In regards to the story that I requested [redacted] to provide feedback, please use the original story as submitted and tell me what needs to be modified. You do not need to provide suggestions to the wording.

I hope to receive your final review on Friday (4th).

Kind regards,

David

From: Grein, Kristina M [mailto:[redacted]]
Sent: Thursday, 3 March 2011 8:46 AM
To: David Rosenberg
Subject: RE: Deadline

Mr. Rosenberg,
Attached you will find NSA's response regarding our review of your current manuscript.

Kris Grein
Chief, NSA/CSS Declassification Services

For Immediate Attention, please send your email to:

From: David Rosenberg [mailto:[redacted]]
Sent: Monday, February 28, 2011 8:56 AM
To: Grein, Kristina M
Cc: [redacted]
Subject: Deadline

(b) (6)

Hi Kris.

I was hoping you could get any final objections to me today. I am under contract to deliver the manuscript on Friday and I need time to make changes (I don't expect there to be many).

I can't change this date and need your feedback ASAP. I will have to deliver something on Friday (Thursday your time) so please take this opportunity to provide your feedback. I will assume the reevaluation has determined no changes to the manuscript I submitted if I do not receive anything from you by this Thursday. The manuscript has not changed from the version you received.

Note that I am well aware of my obligation and am doing everything I can to get your feedback. I want to ensure it is on the record that I have repeatedly sought your feedback and that I gave the PRB advanced notice of this deadline. Please provide any feedback you have at this time, even it is not complete (anything else can be submitted on Wednesday at the latest).

If I could also receive suggestions to the story I requested from [redacted] at this time, that would also be appreciated.

Thank you and hope to hear from you today:

Kind regards,

(b) (3) - P.L. 86-36

David

[REDACTED]

From: Grein, Kristina M
Sent: Friday, February 11, 2011 3:06 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: PP-10-0004, Your Final Submission
Importance: High

(b) (6)

(b) (3) - P.L. 86-36

Mr. Rosenberg:

This email is in response to your emails dated Feb 1st and Feb 9th. Please be assured we are working expeditiously in an effort to respond to you in a timely manner. Thank you for your efforts and your patience during this process.

We are conducting a line-by-line review of your final manuscript based on the determinations set forth in the Appeal Authority's decision which granted your appeal in part and denied it in part. From this review, we have noticed that some of the Appeal Authority's determinations were not fully incorporated into the final manuscript, and the manuscript contains information that was not previously reviewed by us. Accordingly, our review may involve determinations that certain information in your final manuscript must be withheld from release to the public because it is a currently and properly classified matter and/or protected from release by statute, or alternatively, that this information must be rewritten so that classified and/or protected information is not disclosed.

Although we appreciate your request for this agency to provide you with a cryptologic puzzle for inclusion in your book, we must inform you that we cannot provide such a puzzle as this would give the appearance that the Agency has endorsed this book or otherwise acknowledged/confirmed the veracity of the contents of your book. This agency does not comment on media stories, publications, etc. that have not been released through official channels.

Likewise, we cannot rewrite "This Thing Is Huge" section without ultimately endorsing your book or acknowledging the accuracy of its contents. We will, however, provide redactions of information that is classified and/or protected from release by statute in this section, and thus guide you in the areas/categories of information that cannot be publicly disseminated. As practicable, we may offer alternative language for your consideration if a sentence/phrase can be written at an unclassified level with minor edits/tweaks.

Regarding your request to include on the photo credit a caption that reads "Lt Gen Michael Hayden presenting my promotion certificate to Grade 14, July 2004," we have no objection to this caption with the photo.

Our goal is to complete our review of your manuscript and provide you with our determinations by February 21, 2011, but we cannot guarantee that our review will be completed by that date. We appreciate all of your efforts to adhere to your lifelong obligation to safeguard classified and/or protected information, while availing yourself of opportunities to publish, all of which is feasible. We will be in touch with you next week. Have a nice weekend.

Regards,

Kris Grein
Chief, NSA/CSS Declassification Services

For Immediate Attention, please send your email to:

[REDACTED]

[redacted]
From: David Rosenberg [mailto:[redacted]]
Sent: Wednesday, February 09, 2011 6:52 AM
To: [redacted]
Cc: Grein, Kristina M
Subject: FW: PP-10-0004, Your Final Submission

Hi [redacted]

Just want to confirm that all concerned will have their feedback to your office quickly. I have contractual deadlines now that cannot be changed.

(b) (3) - P.L. 86-36

Just three other items:

1. Can you please advise if I should include (Photo credit withheld, by request) as part of the caption of the picture with myself and Lt. Gen. Hayden?
2. Can you please provide feedback on my request on what to modify in the "This thing is huge..." story so it can be unclassified?
3. Will the Agency provide either a message or cryptologic puzzle (see the beginning of the manuscript for this section)?

Obviously I will need this information as soon as possible. Appreciate any assistance you can provide at this time.

Kind regards,

David

From: David Rosenberg [mailto:[redacted]]
Sent: Tuesday, 1 February 2011 10:36 PM
To: 'Grein, Kristina M'
Cc: [redacted]
Subject: RE: PP-10-0004, Your Final Submission

Dear Kris,

Glad to know that you received the disc. I have a contract now with my publisher that requires the PRB to give me your final assessment by 21 February. This is now needed to meet publishing deadlines.

You are aware that I changed/edited those entries in the manuscript in accordance with the assessment made by the Chief of Staff in her review. I believe that the book has now been completed in agreeance with the PRB's guidance and is now unclassified in its entirety. If there are any changes that you feel are needed, please be aware that since the majority of my appeals were upheld, the book was likely overclassified from the beginning of the process. Please be mindful that I have made all changes in accordance with your guidance and the book should be a quick read (as it should contain no objectionable material) for the various PRBs. I believe 21 February is a very reasonable deadline.

Please advise if the Agency would like to include a cryptologic puzzle (I have asked this before and have a section near the beginning for this). It would be unclassified and would provide a friendly addition /gesture from the Agency / US government for the Australian people. This would compliment my very positive reflections about the Agency, GOA, and the partnership. Please advise if the Agency is willing to provide this (it is also needed by 21 Feb).

Kind regards,

David

(b) (3) - P.L. 86-36

From: [REDACTED]
Sent: Saturday, 29 January 2011 1:34 AM
To: David Rosenberg
Cc: [REDACTED]
Subject: RE: PP-10-0004, Your Final Submission.

David,

We did receive the package on 1/21/2011. We have distributed it to all concerned parties and will send you a consolidated response as soon as we have them all together. Have a great weekend!

From: David Rosenberg [mailto:[REDACTED]]
Sent: Thursday, January 27, 2011 7:35 AM
To: [REDACTED]
Subject: RE: PP-10-0004, Your Final Submission

Did you receive the manuscript on disc? It would be highly unusual for a Registered package to not show up. Please advise, and if not, I will submit a 'Lost Package' trace.

Regards,

David

(b) (6)

MAR 2011

[REDACTED]
From: David Rosenberg
Sent: Tuesday, March 22, 2011 8:26 AM
To: [REDACTED]
Subject: Story

Hi [REDACTED]

(b) (6)

Just wondering if you have reviewed the two-page story and have feedback for me. I know your office is working under the guidance that anything under 50 pages needs to be completed and returned within 30 working days, and I have your acknowledgement for this request from 4 December 2010.

Can you please advise when I will receive your review?

Kind regards,

David

Approved for Release by NSA on 06-28-2019, FOIA Case # 103233 (Litigation)

Nov. 2010

[redacted]
From: David Rosenberg
Sent: Monday, November 29, 2010 2:17 AM
To: [redacted]
Cc: Grein, Kristina M
Subject: Question

(b) (6)

(b) (3) - P.L. 86-36

Hi [redacted]

I received the decision on my appeal. I can work with what I received but would like to work with you on formulating an unclassified version of the 'This thing is huge!' section. I'll get back to you on this.

Right now, can you please provide the information I requested last month? Here is what I wrote:

Please note I simply cannot identify what you object to in spreadsheet items 47, 51, 93, & 129. Please advise immediately as to what these objections are, or if they are still objections so I can get back to you quickly on these.

In the appealed decision, this question was not answered, so I still need to confirm what is objected to. It should be a simple process to track this down.

I'll assume these four items are no longer a concern (ruled as unclassified in the appealed review) if I do not hear back from you.

I have included Kris as cc in case you are away.

Kind regards,

David

Approved for Release by NSA on 06-28-2019, FOIA Case # 103233 (Litigation)

(b) (6)

[redacted]
From: David Rosenberg [redacted]
Sent: Tuesday, February 22, 2011 7:04 AM
To: Grein, Kristina M. [redacted]
Subject: RE: PP-10-0004, Your Final Submission
Attachments: Kris - Dedication & Acknowledgements.doc

Kris,

Attached is the Dedication and Acknowledgements. The publisher has decided not to include an Index, so that is not an issue. The book has not changed since you received my last version – there is no new material.

(b) (3) – P.L. 86-36

Please e-mail any suggested changes you have for me immediately as the cut-off date for submitting the text is due early next week and I must have the required time to make changes. I cannot change this date. Even if what you have is not complete, please send what you have so I can get started.

[redacted] please send me your suggestions on what to change in the 'This thing is huge...' story today if possible. I need this immediately as I would like to include this story in the book. It's been a while since you said you would return this to me:

From 4 December 2010:

Mr. Rosenberg,

We are in receipt of your 29 November 2010, response to the Agency's final appeal of your request. We appreciated your willingness to work with us to achieve a solution that's agreeable to all parties and at the same time protects the equities of the Agency. Therefore, the modifications and redactions provided in the appeal letter stand. We are more than willing to work with you to ensure all manuscript items are unclassified, to include the section of your manuscript entitled "This Thing is Huge".

I'm sure we all would like to see this project finished!

Kind regards,

David

From: Grein, Kristina M. [redacted]
Sent: Saturday, 19 February 2011 7:25 AM
To: David Rosenberg
Cc: [redacted]
Subject: RE: PP-10-0004, Your Final Submission

Dear Mr. Rosenberg,
NSA is making all efforts to complete the review of your manuscript. As you are nearing the final preparations towards interacting with potential publishers, at this time NSA needs you to submit your acknowledgement, dedication, and

index sections, as well as any other new material not previously submitted. NSA cannot forward to you its complete disposition until these items are submitted. Please note that NSA has not approved the manuscript in its current form.

Regards,

Kris Grein
Chief, NSA/CSS Declassification Services

For Immediate Attention, please send your email to:

(b) (3) - P.L. 86-36

[Redacted]

From: David Rosenberg [mailto:[Redacted]]
Sent: Friday, February 11, 2011 4:53 PM
To: Grein, Kristina M
Cc: [Redacted]
Subject: RE: PP-10-0004, Your Final Submission

(b) (6)

Kris,

Thank you for the feedback and acknowledgment that you are working to complete the review by 21 February. Please know that the changes I made were, in my best belief, in accordance with the Chief of Staff's guidance. Please let me know where I may have not fully complied with this, as this would have been inadvertent. Any supplemental information I included/changed was minimal, and in my best belief also in agreeance with the Chief of Staff's guidance. I will immediately address your concerns when I receive your guidance.

Also, can I please have the redacted version (with suggested wording changes if advised) of the "This Thing Is Huge" section this week (before Friday) so I can change it and resubmit for approval? At least that part is only two pages! I can return it to you for final approval on the day I receive it. I am still not sure of where the end is of the redacted portion of this story - please identify this to me. (Please expedite this due to the very short publication timeframe.)

I wish to keep your office informed of any developments and will let you know of any relevant information leading to publication. My publisher is likely to issue their first press release about the book this week. I have asked them only to identify me as a former United States government employee and not to use my name or identify the Agency.

Thank you again for your feedback.

Kind regards,

David

OCT 2010

[redacted]
From: David Rosenberg [redacted]
Sent: Friday, October 22, 2010 9:10 PM
To: [redacted]
Subject: RE: Spreadsheet appeal
Attachments: Replacement for original content

[redacted]
Here is the same file. It should be 648KB. Each review should not take too long.

Can you please e-mail your decision on the "This thing is huge" section? I have been waiting for that for a while and would like to know the PRB's decision.

Kind regards,

David

From: [redacted]
Sent: Saturday, 23 October 2010 1:31 AM
To: David Rosenberg
Subject: RE: Spreadsheet appeal

David,

I sent [redacted] an email letting him know you would be contacting him. I did not get a "vacation" return so he should be in. If that changes I will let you know soonest. [redacted] so when you get a chance if you could resend the document I will try to open it. If not then I should be getting the file from [redacted]

V/R

[redacted]
From: David Rosenberg [mailto:[redacted]]
Sent: Friday, October 22, 2010 10:15 AM
To: [redacted]
Subject: RE: Spreadsheet appeal

[redacted]
Sent it to [redacted] If he is on leave and cannot get the file to you quickly, please advise so we can come up with an alternate plan.

Have a great weekend as well.

Kind regards,

David

Approved for Release by NSA on 06-28-2019, FOIA Case # 103233 (Litigation)

From: [REDACTED]
Sent: Friday, 22 October 2010 11:55 PM
To: David Rosenberg
Subject: RE: Spreadsheet appeal

David,

[REDACTED]
[REDACTED] In the meantime, sending it to [REDACTED] is a
good idea, I will drop him a line to let him know to expect it. Thank you and have a great weekend!

[REDACTED]
(b) (3) - P.L. 86-36

[REDACTED]

From: David Rosenberg [REDACTED]
Sent: Monday, October 04, 2010 5:12 AM
To: [REDACTED]
Subject: Photo
Attachments: Picture.doc

[REDACTED]

I found this picture on the internet at
http://www.cyber-rights.org/interception/stoa/ic2kreport.htm#N_23
The usual password will open the document.

Can you please check if this low-res image can be used on the
Preface page in place of the one that was redacted? I will cite
the source as the website above. It is in Section 1, entry 41 on
the website.

(b) (6)

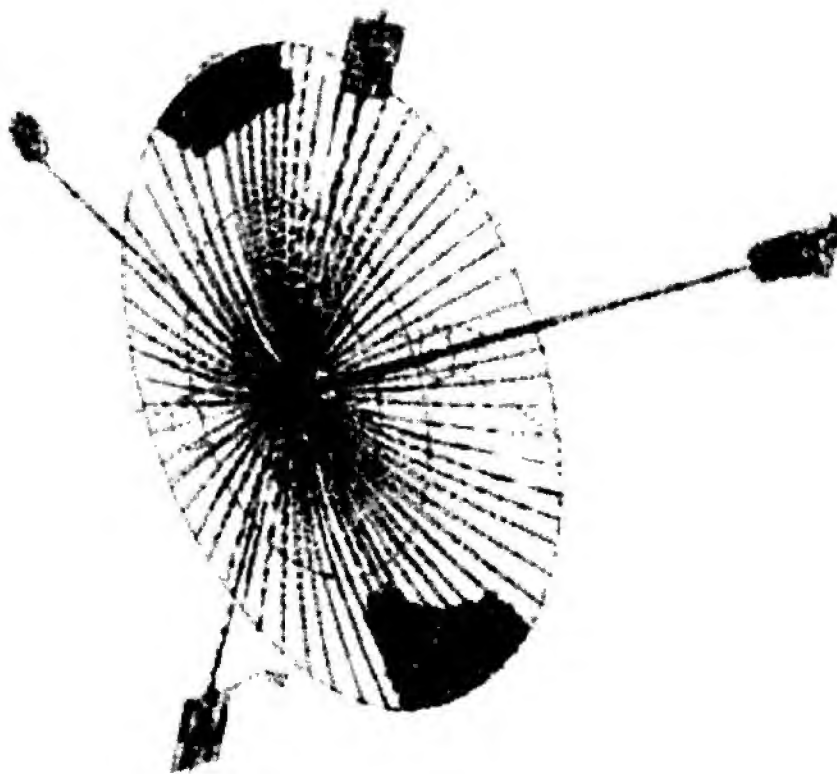
Please advise.

Thank you,

David

(b) (3) - P.L. 86-36

Approved for Release by NSA on 06-28-2019, FOIA Case # 103233 (Litigation)



[REDACTED]

From: David Rosenberg [REDACTED]
Sent: Wednesday, October 13, 2010 2:57 AM
To: [REDACTED]
Cc: Grein, Kristina M
Subject: RE: Status of "Narrowing the Gap, PP-10-0004

[REDACTED]

Thank you for forwarding the message from Kris. I thought this would be handled more ad-hoc, so I did not explain at length why I believe some objections should be allowed. Therefore, if you believe I should make my case for each objection more formally (if you believe most will remain ruled as an objection), please advise.

(b) (3) - P.L. 86-36

There are still some outstanding spreadsheet items that I am still waiting to receive clarification on. To address these, I need to have that information, otherwise I do not know what else you consider to be classified and I will not be able to address these.

If you have already determined that any of my suggested changes are acceptable (in yellow or white on the spreadsheet), can you please let me know which spreadsheet items are OK, as revised at this time.

Kind regards,

David

From: [REDACTED]
Sent: Wednesday, 13 October 2010 1:54 AM
To: David Rosenberg
Cc: [REDACTED]
Subject: Status of "Narrowing the Gap, PP-10-0004

(b) (6)

Mr. David Rosenberg
[REDACTED]

Dear Mr. Rosenberg,

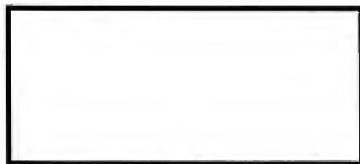
This responds to your query regarding the status of your pre-publication review request for your manuscript, "Narrowing the Gap" (PP-10-0004). We understand you have twenty objections to our latest review, and we have made the determination to treat your most recent challenges as an appeal of this Agency's initial pre-publication review determination.

The appeal process is provided for in NSA/CSS Policy 1-30, Annex A. NSA's Pre-Publication Appeal Authority will review the disputed information and, within 30 working days, advise you of the determination and in the case of an adverse determination, the reasons for such a determination.

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Please note that any approval is only for the current document submitted in its entirety. As stated in my last memo, once all items have been remedied, NSA will still need to receive a final copy of your complete manuscript prior to publication.

Sincerely,
for - KRISTINA M. GREIN
Chief, Declassification Services



(b) (3) - P.L. 86-36

SEP. 2010

[REDACTED]
From: David Rosenberg [REDACTED]
Sent: Wednesday, September 29, 2010 10:17 AM
To: [REDACTED]
Cc: Grein, Kristina M
Subject: Final review

(b) (6)

Hi [REDACTED]

Just hoping that I can receive the feedback from [REDACTED] by 1 Oct as assured to me by [REDACTED]. [REDACTED] I'll have my proposed changes to you on those spreadsheet items already received when I get further feedback from you on outstanding questions.

(b) (3) - P.L. 86-36

Thank you,

David

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(b) (6)

Grein, Kristina M

From: David Rosenberg [REDACTED]
Sent: Tuesday, April 26, 2011 10:05 AM
To: Grein, Kristina M; [REDACTED]
Subject: Manuscript submission

(b) (3) - P.L. 86-36

Hi Kris,

I hope you are well and have received all responses from the various PRBs. I asked for your final feedback by the 25th, and as I have received no correspondence from you, and have made all changes in accordance to the Chief Of Staff's guidance, I will be submitting my manuscript to my publisher no later than 28 April 2011 (COB 27 April your time), as previously advised.

If there are any changes you require me to make to the manuscript, please let me know me by that date and I will make the changes before I provide them with the manuscript. If any PRBs have not provided their feedback to you yet, I can make further changes during the editing process, but please be advised that your feedback needs to be provided to me fairly soon.

Thank you and your colleagues again for your assistance and guidance during this rather long process.

Kind regards,

David

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27 May 2010

Kris,

I have enclosed a DVD with the final version of the manuscript, the spreadsheet you sent to me with my comments added, and the video that you were unable to play that I sent last time. Both documents are password protected with the same password provided to you before. I have played the video on Windows Media Player directly from the disc, so you should be able to play it as well.

The video will show the various PRBs what was known back in 1996 -- this is all open-source information and much is repeated in this manuscript.

This version of the manuscript is, I believe unclassified, but I have left some passages in that the PRB originally objected to, but which are available in open-source. I am allowed to repeat these per US v Marchetti. If any of the PRBs object to open-source information being republished or referenced, please advise as to why this request has been made.

As I have complied with your guidance on every item in the spreadsheet (except those objections mentioned above), this document is now unclassified (I believe), and it should not take the various PRBs long to finish their review. This package included a return-receipt and I will count day 1 as the first weekday after the date of receipt, bearing in mind the 30 day limit. I will call your office weekly to obtain a status update, or if you would prefer to e-mail a weekly update to me, that would be fine. Can you please confirm receipt via e-mail when you receive this?

I would like to provide the PRB-approved document to my agent and publisher at the earliest possible date. Would you be able to e-mail me a spreadsheet of any changes to chapters 1 - 6 when these chapters have been reviewed so I can make changes, if needed, and provide these chapters to them as an interim step?

Please let me know if there are any issues along the way.

Kind regards,

[Redacted Signature]

David Rosenberg

(b) (6)

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(b) (6)

Serial: PP-10-0004
19 April 2010Mr. David Rosenberg
[REDACTED]

(b) (3) - P.L. 86-36

Dear Mr. Rosenberg:

Thank you for submitting your manuscript entitled, "Narrowing the Gap: My Life As A High-Tech Spy For The NSA," for prepublication review. We apologize for the length of time taken by the Agency in reviewing your manuscript; however, an extensive review was necessary due to the length of your manuscript, the complexity of material discussed therein, and the fact that your submission contained the equities of other Intelligence Community (IC) agencies, which necessitated reviews by those agencies.

As a result of the Agency's review, your manuscript has been found to contain NSA information that is currently and properly classified pursuant to section 1.2 of Executive Order 12,958, as amended, as well as information that is protected from release pursuant to the following statutes: section 6 of Public Law 86-36 (codified at 50 U.S.C. § 402 note); 18 U.S.C. § 798; and 50 U.S.C. § 403-1(i)(1). Accordingly, the manuscript you have submitted is disapproved for publication at this time. We will reconsider our determination upon your re-submission of a manuscript containing the required changes that were discussed with you on 20 April 2010 and which are detailed below, in an unclassified format.

Due to your extensive service on behalf of the United States, this Agency has gone to great lengths and expended considerable resources in order to accommodate your desire to publish a manuscript documenting your service as a United States government employee. Despite the clear and overwhelming presence of classified material in your manuscript, NSA provided you with temporary access to classified information so that [REDACTED] and Ms. Tammie Matecko-Conti could discuss with you the specific classified information that is contained within your submission. This letter serves to follow up, in unclassified terms, the changes that NSA requires you make to your manuscript so that a manuscript acceptable to both the Agency and you can be publicly distributed.

[REDACTED]

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NSA FOIA Case 103233 0025

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Additionally, because your manuscript cites your former affiliation with NSA, the Agency requires that you insert the following disclaimer:

The views and opinions expressed herein are those of the author and do not necessarily reflect those of the NSA/CSS. Furthermore, NSA/CSS does not warrant the accuracy of any information the author has included regarding the Agency, its alleged activities, personnel, operations, programs, physical description or organizational structure.

(b) (3) - P.L. :

Once the required changes are made, you may resubmit the manuscript for our review. The Agency will make every effort to review your manuscript within 20 working days of receipt, as provided for by NSA/CSS Policy 1-30. If your manuscript requires referral to one or more Federal agencies and/or is greater than 50 pages, however, the Agency may extend its review until such time as a complete and appropriate review can be completed.

I understand that you have expressed concern in your correspondence with us that the Agency's pre-publication review process fails to comport with certain legal authorities. Please be assured that the Agency takes its responsibilities under the First Amendment seriously and performs its pre-publication duties in a manner that complies with all applicable laws and policies. On a daily basis, Agency employees involved in the pre-publication review process balance the First Amendment rights of our affiliates (current and former) with the Agency's obligation to protect information the disclosure of which would harm national security. NSA/CSS Policy 1-30 represents the appropriate and lawful balance of these obligations. Similarly, all Agency affiliates such as yourself possess a contractual lifelong obligation to protect the disclosure of information harmful to national security.


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Since this response to you may be construed as a partial denial of your submission, we are also providing you with the Agency's pre-publication review appeal procedures. If you choose not to take advantage of the Agency's offer for re-submission, you may appeal to the Deputy Director in writing. Your appeal must be postmarked no later than 20 working days after the date of this letter. At his discretion, the NSA/CSS Deputy Director may allow an additional 30 days to file a written appeal, provided that you file a written notice of intent to appeal within 20 working days of receipt of the initial determination and you present a justification to support a time extension. In appealing, you must specifically identify the disputed portions of the initial determination and the reasons for appeal, and include any supporting information that the NSA/CSS Deputy Director should consider.

If you have any questions or comments, please respond to this email.

Sincerely,



(b) (3) - P.L. 86-36

Kristina M. Grein
Chief, NSA/CSS Declassification Services

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

PP-10-0004
27 April 2011

VIA Email to [REDACTED]

(b) (6)

Mr. David Rosenberg

Dear Mr. Rosenberg:

This responds to your query regarding the status of your pre-publication review request for your book, "Narrowing the Gap." (PP-10-0004). As you know from our ongoing exchanges, we have identified certain National Security Agency (NSA) information therein that remains currently and properly classified in accordance with Executive Order 13526. The version received on 21 January 2011 has undergone a line-by-line review looking for information that is classified and/or protected from release by statute. We have identified information in this version of your manuscript that continues to meet the standards for classification set forth in Executive Order 13526 and are prohibited from release by statute, specifically Section 6 of the National Security Agency Act of 1959, 50 U.S.C. §402 note (Public Law 86-36), 18 U.S.C. § 798; and 50 U.S.C. §403-1(i). Accordingly, this information must be removed from your transcript.

To this end, we will need you to provide us with a copy of your finalized manuscript prior to any decision to have it published or released for public dissemination. Additionally, because you prepared this manuscript on your home computer, we need you to remove all classified and/or protected information from your computer and to properly dispose of any hardcopies of your earlier manuscripts. NSA will assist you in this endeavor that will preserve the existing data on your computer.

Attached is a spreadsheet containing the items which must be changed prior to being shared with your publicist and prior to publication. We look forward to receipt of your manuscript reflecting all the mandatory modifications.

Sincerely,

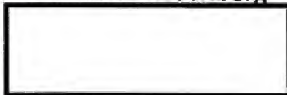
(b) (3) - P.L. 86-36

KRISTINA M. GREIN
Chief, Declassification Services

Approved for Release by NSA on 06-28-2019, FOIA Case # 103233 (Litigation)

PP-10-0004
January 20, 2011

Mr. David Rosenberg



(b) (6)

Dear Mr. Rosenberg,

Thanks for updating us in your email dated January 13, 2011 that you mailed the final draft of your manuscript on January 4, 2011. Our office has not yet received your final draft, but we will inform you immediately when we receive it. We will also then address your outstanding questions, which from your email, can only be answered after a review of your final manuscript.

Please be mindful that the focus of our review is to ensure that your final manuscript adheres to your lifelong obligations to safeguard information that is currently and properly classified and/or protected from disclosure by statute.

Please contact me at  if you have any questions.

Sincerely,

//S//

(b) (3) - P.L. 86-36

KRISTINA M. GREIN
Chief
Declassification Services

Approved for Release by NSA on 06-28-2019, FOIA Case # 103233 (Litigation)



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

VIA Email to [REDACTED]

24 November 2010

Mr. David Rosenberg



(b) (6)

Dear Mr. Rosenberg:

I am writing in response to your letter dated 20 October 2010 wherein you appealed the National Security Agency's decision to withhold certain information in your manuscript entitled "Narrowing the Gap: My Life As A High Tech Spy for the NSA" which was reviewed pursuant to your request for a Pre-Publication Review. As set forth below and in the attached spreadsheet, I have granted your appeal in part and denied your appeal in part.

I have reviewed your Pre-Publication Review request, the initial manuscript at issue, the Agency's initial response to your request, your revised manuscript, and two letters that constitute your appeal. As a result of this review, I have granted in part certain portions of your revised manuscript as set forth in the attached spreadsheet. These granted portions may remain in your manuscript. The remaining portions of the appealed information are denied as this information continues to meet the standards for classification set forth in Executive Order 13526 and are prohibited from release by statute, specifically Section 5 of the National Security Agency Act of 1959, 50 U.S.C. §402 note (Public Law 86-36), 18 U.S.C. § 798 and 50 U.S.C. §403-1(i). Accordingly, this information must be removed from your transcript.

⌞ This decision granting your appeal in part and denying it in part constitutes the final Agency decision on your Pre-Publication Review request. However, it is my hope that you will continue to work with us so that you can ultimately publish your manuscript without disclosing classified and/or protected information. To this end, we will need you to provide us with a copy of your finalized manuscript prior to any decision to have it published or released for public dissemination. Additionally, because you prepared this manuscript on your home computer, we need you to remove all classified and/or protected information from your computer and to properly dispose of any hardcopies of your earlier manuscripts. NSA will assist you in this endeavor that will preserve the existing data on your computer.



DEBORAH A. BONANNI
Chief of Staff

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